

(New material underlined. Deleted material lined out.)

ILLEGIB

7 September 1955

PROPOSED AMENDMENT

Section 1. The first sentence of Section 5(a) of the Act entitled the Central Intelligence Agency Act of 1949, approved June 20, 1949, (63 Stat. 209; 50 U.S.C. 403e), (hereinafter referred to as "such Act"), is amended by striking out "its territories, and possessions,".

Section 2. Section 5(a)(1) of such Act is amended by inserting a semicolon in lieu of the period at the end of Section 5(a)(1)(F) and inserting a new subsection "(G)" which shall read as follows:

"(G) pay the travel expenses incurred by an officer or employee of the Agency who is assigned to a post outside the continental United States, in transporting dependents to and from United States ports of entry designated by the Agency, to obtain an American secondary or college education, not to exceed one trip each way for each dependent for the purpose of obtaining each type of education."

EXISTING LAW

Section 5. (a). Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to permanent-duty stations outside the continental United States, ~~its territories, and possessions~~, shall -----  
(CIA Act of 1949)

Section 911. The Secretary may, under such regulations as he shall prescribe, pay \_\_\_\_\_  
. . . . (9) the travel expenses incurred by an officer or employee of the Service who is assigned to a foreign post, in transporting dependents to and from United States ports of entry designated by the Secretary, to obtain an American secondary or college education, not to exceed one trip each way for each dependent for the purpose of obtaining each type of education.  
(Added to Section 911 of the Foreign Service Act of 1946 by Section 11 of the Foreign Service Act Amendments of 1955.)

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PROPOSED AMENDMENT

EXISTING LAW

Section 3. Section 5(a)(3)(A) of such Act is amended to read as follows:

"(3)(A) Order to the continental United States or its Territories and possessions on leave of absence as provided by law, every officer and employee of the Agency who is a citizen, or an alien who was a resident of the United States or its Territories and possessions at time of employment, upon completion of two years' continuous service outside the continental United States, or as soon as possible thereafter."

Section 5(a)(3)(A) Order to the United States or its Territories and possessions on leave ~~provided for in 5 U.S.C. 20, 20a, 20b, or as such sections may hereafter be amended~~, every officer and employee of the agency who was a resident of the United States or its Territories and possessions at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter: ~~Provided, That such officer or employee has accrued to his credit at the time of such order, annual leave sufficient to carry him in a pay status while in the United States for at least a thirty-day period.~~  
(CIA Act of 1949)

PROPOSED AMENDMENT

EXISTING LAW

Section 4. Section 5(a)(3) of such Act is amended by inserting at

(Annual and Sick Leave Act of 1951)

the end thereof a new subsection "(D)" which shall read as follows:

"(D) The provisions of Section 203(f) of the Act of October 30, 1951, (65 Stat. 679; 5 U.S.C. 2062(f)), and as may hereafter be amended, shall be applicable to officers and employees of the Agency, and such officers and employees shall be subject to the limitations as to the accumulation of leave applicable to officers and employees in the Foreign Service of the United States under the Department of State as provided in Sections 203(c) and (d) of the Act of October 30, 1951 (65 Stat. 679; 5 U.S.C. 2062(c) and (d)), and as may hereafter be amended."

Section 203. (f) Officers and employees in the Foreign Service of the United States under the Department of State may be granted leave of absence, without regard to any other leave provided by this title, for use in the United States, its Territories or possessions, at a rate equivalent to one week for each four months of service outside the several States and the District of Columbia. Such leave may be accumulated for future use without regard to the limitation in subsection (c) but no such leave which is not used shall be made the basis for any terminal leave or lump-sum payment.

(c) The annual leave provided for in this section, which is not used by an officer or employee, shall accumulate for use in succeeding years until it totals not to exceed sixty days at the end of the last complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, occurring in any year.

(d) Notwithstanding the provisions of subsection (c), a maximum accumulation not to exceed ninety days at the end of the last complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, in any year is authorized to the following categories of employees of the Federal Government, other than officers and employees in the Foreign Service of the United States under the Department of State, stationed outside the several States and the District of Columbia:

PROPOSED AMENDMENT

EXISTING LAW

Section 5. Section 5(a)(5)(A) of such Act is amended to read as follows:

"(5)(A) In the event of illness or injury, incurred while on assignment outside the continental United States, requiring hospitalization of an officer or full time employee of the Agency or of a member of the family accompanying such officer or employee on such assignment, not the result of vicious habits, intemperance, or misconduct on the part of such persons, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee, or member of his family, by whatever means are considered appropriate and without regard to the Standardized Government Travel Regulations and Section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b), to the nearest locality where a suitable hospital or clinic exists and on the recovery of such individual pay for the travel expenses of return to the post of duty of such officer or employee, or member of his family. If such officer or employee, or member of his family is too ill to travel unattended, the Agency may also pay the travel expenses of an attendant;"

Section 5. (a)(5)(A) In the event of illness or injury requiring hospitalization of an officer or full time employee of the Agency, not the result of vicious habits, intemperance, or misconduct ~~on his part~~, incurred while on assignment ~~abroad~~, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means ~~he shall deem~~ appropriate and without regard to the Standardized Government Travel Regulations and section 10 of the Act of March 3, 1933 (47 Stat. 1516; U.S.C. 73b), to the nearest locality where a suitable hospital or clinic exists and on ~~his~~ recovery pay for the travel expenses of ~~his~~ return to ~~his~~ post of duty. If ~~the~~ officer or employee is too ill to travel unattended, the ~~Director~~ may also pay the travel expenses of an attendant;

(CIA Act of 1949)

PROPOSED AMENDMENT

Section 6. Section 5(a)(5)(C) of such Act is amended to read as follows:

"(5)(C) Pay for the cost of treatment of illness or injury requiring hospitalization at a suitable hospital or clinic, where such illness or injury is incurred --

(i) in the line of duty by an officer or full time employee of the Agency while such person is assigned outside the continental United States, or

(ii) by a member of the family accompanying such officer or employee on assignment outside the continental United States, where such illness or injury occurs through circumstances directly related to the duties or duty station of such officer or employee;

Provided, That such illness or injury is not the result of vicious habits, intemperance, or misconduct on the part of such persons;"

EXISTING LAW

Section 5. (a)(5)(C) In the event of illness or injury requiring hospitalization of an officer or full time employee of the Agency, not the result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(CIA Act of 1949)

PROPOSED AMENDMENT

EXISTING LAW

Section 7. Section 5(a)(5)(D) of such Act is amended by inserting "and their dependents" after the word "Agency" and again immediately before the period at the end of the Section.

Section 5. (a)(5)(D) "Provide for the periodic physical examination of officers and employees of the Agency and their dependents and for the cost of administering inoculations or vaccinations to such officers or employees and their dependents."

(CIA Act of 1949. Underlined portions are proposed amendments.)

Section 943. The Secretary shall, under such regulations as he may prescribe, provide for the periodic physical examination of officers and employees of the Service who are citizens of the United States, and their dependents, including examinations necessary to establish disability or incapacity in accordance with the provisions of Section 831, and for the cost of administering inoculations or vaccinations to such officers or employees, and their dependents.

(Section 943 of the Foreign Service Act of 1946. Underlined portions added by Section 12 of the Foreign Service Act Amendments of 1955.)

PROPOSED AMENDMENT

EXISTING LAW

Section 8. Section 5(a) of such Act is amended by inserting at the end thereof a new subsection "(8)" which shall read as follows:

"(8) Subsections (5)(A), (5)(C), (5)(D), and (6) of this Section are also applicable to officers and employees of the Agency assigned to temporary duty outside the continental United States."

Section 5. (a) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to permanent-duty stations outside the continental United States, ....

(CIA Act of 1949) (The proposed amendment extends certain provisions regarding medical benefits and transportation of remains to temporary-duty personnel abroad, which are presently restricted to permanent-duty personnel.)

# PROPOSED AMENDMENT

Section 9. Section 5(b) of such Act is amended by striking out all of the words of the section after the word "Agency" and inserting in lieu thereof the following:

"(1) allowances, wherever Government owned or rented quarters are not available, for living quarters, heat, light, water, fuel, gas, and electricity, including allowances for the cost of lodging at temporary quarters, incurred by an officer or employee of the Agency and the members of his family upon first arrival at a new post, for a period not in excess of three months after such first arrival or until the occupation of residence quarters, whichever period shall be shorter, up to but not in excess of the aggregate amount of the per diem that would be allowable to such officer or employee for himself and the members of his family for such period if they were in travel status:

(2) cost-of-living allowances, whenever --

(A) the cost of living at a post outside the continental United States is proportionately so high that an allowance is necessary to enable an officer or employee of the Agency at such post to carry on his work efficiently;

(B) extraordinary and necessary expenses, not otherwise compensated for, are incurred by an officer or employee of the Agency incident to

# EXISTING LAW

Section 5. (b) In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U.S.C. 70), the Director is authorized to grant to any officer or employee of the Agency allowances in accordance with the provisions of section 901 (1) and 901 (2) of the Foreign Service Act of 1946, (CIA Act of 1949)

(The proposed revision will write into the CIA Act substantially the same language as presently contained in Sections 901 (1) and 901 (2) of the Foreign Service Act of 1946, as amended.)

Section 901. (1) allowances, wherever Government owned or rented quarters are not available, for living quarters, heat, light, fuel, gas and electricity, including allowances for the cost of lodging at temporary quarters, incurred by an officer or employee of the Service and the members of his family upon first arrival at a new post, for a period not in excess of three months after such first arrival or until the occupation of residence quarters, whichever period shall be shorter, up to but not in excess of the aggregate amount of the per diem that would be allowable to such officer or employee for himself and the members of his family for such period if they were in travel status;

(Quarters and Temporary Lodging Allowances)

## PROPOSED AMENDMENT

the establishment of his residence at any post of assignment outside the continental United States or at a post of assignment in the continental United States between assignments to posts outside the continental United States;

(C) an allowance is necessary to assist an officer or employee of the Agency who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post outside the continental United States or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment;

(D) extraordinary and necessary expenses, not otherwise compensated for, must be incurred by an officer or employee of the Agency, by reason of his service outside the continental United States, in providing for adequate elementary and secondary education for his dependents; allowances under this subparagraph for any post shall not exceed the cost of obtaining such educational services as are ordinarily provided without charge by the public schools of the United States plus, in those cases where adequate schools are not available at the post, board and room, and periodic transportation between the post and the nearest locality where adequate schools are available; if any such officer or employee employs a less expensive method of providing such education, any allowance paid to him shall be reduced accordingly;

## EXISTING LAW

(2) cost-of-living allowances, whenever the Secretary shall determine --

(i) that the cost of living at a post abroad is proportionately so high that an allowance is necessary to enable an officer or employee of the Service at such post to carry on his work efficiently;

(ii) that extraordinary and necessary expenses, not otherwise compensated for, are incurred by an officer or employee of the Service incident to the establishment of his residence at any post of assignment abroad or at a post of assignment in the continental United States between assignments to posts abroad;

(iii) that an allowance is necessary to assist an officer or employee of the Service who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment;

(iv) that extraordinary and necessary expenses, not otherwise compensated for, must be incurred by an officer or employee of the Service, by reason of his service abroad, in providing for adequate elementary and secondary education for his dependents; allowances under this subparagraph for any post shall not exceed the cost of obtaining such educational services as are ordinarily

(Cost of Living Allowance)  
(Transfer Allowance)  
(Separation Allowance)  
(Education Allowance)

PROPOSED AMENDMENT

EXISTING LAW

no allowance shall be paid under this subparagraph for a dependent for whom a travel allowance has been paid under subsection 5(a)(1)(G):".

provided without charge by the public schools of the United States plus, in those cases where adequate schools are not available at the post, board and room, and periodic transportation between the post and the nearest locality where adequate schools are available; if any such officer or employee employs a less expensive method of providing such education, any allowance paid to him shall be reduced accordingly; no allowance shall be paid under this subparagraph for a dependent for whom a travel allowance has been paid under section 911 (9):

(Section 901 of the Foreign Service Act of 1946 as amended (Underlined portion) by Sections 10(a) and (b) of the Foreign Service Act Amendments of 1955). The State Department appropriation act for Fiscal Year 1956 provides for expenditures for "ice and drinking water for use abroad".

## PROPOSED AMENDMENT

Section 10. Section 5 of such Act is amended by inserting at the end thereof a new subsection (c) which shall read as follows:

"(c)(1) Under such regulations as the Director may prescribe, the Agency shall pay the sum of \$1,000.00 as a death gratuity immediately upon official notification of the death of any officer or employee of the Agency: Provided, That such death is not the result of vicious habits, intemperance, or misconduct of the deceased. The payment of the death gratuity authorized by this subsection shall be in addition to such other benefits as the dependents or the estate of the deceased may be entitled under any other provision of law.

(2) The death gratuity authorized by this subsection shall be paid to or for the living survivor or survivors of the deceased officer or employee first listed below:

- (A) Surviving spouse.
- (B) Children (without regard to their age or marital status) in equal shares.
- (C) Any dependent or dependents of the deceased in equal shares.
- (D) Parents or brothers or sisters (including those of the half blood and those through adoption), when designated by the deceased.
- (E) Parents in equal shares.
- (F) Brothers and sisters (including those of the half blood and those through adoption) in equal shares.

## EXISTING LAW

Section 903. Immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the Regular Army or on the retired list when on active duty, the branch, office, or officers of the Army the Secretary of the Army may from time to time designate shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death. The Secretary of the Army shall establish regulations requiring each officer and enlisted man having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the Army . . . . And provided further, That none of the funds appropriated for the purposes of this section shall be used for the payment of such six months' pay to any married child or unmarried child over twenty-one years of age of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man: And provided further, That in the event of the death of any beneficiary before payment to and collection by such beneficiary of the amount authorized herein, such gratuity shall be paid to the next living beneficiary in the order of succession above

PROPOSED AMENDMENT

EXISTING LAW

(3) If a survivor dies before receiving the amount to which entitled under this subsection, such amount shall be paid to the then living survivor or survivors first listed under subsection (c)(2).

(4) The payments made under the provisions of this subsection shall not be assignable, shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States (except as provided in Section 3 of the Act of August 12, 1935 (38 U.S.C. 454(a)), and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

(5) (A) No certifying or disbursing officer shall be liable for any amounts erroneously paid or overpaid under this subsection to a surviving spouse or children in the absence of fraud, gross negligence, or criminality on the part of such officer.

(B) The Director may waive the recovery of any such erroneous payments or overpayments when such recovery would be against equity and good conscience.

(C) The Director shall have the right to determine cases of alleged misconduct or dependency for the purposes of payments under this subsection, and his determination of any matter pertaining to such payments shall be final and conclusive upon the accounting officers of the Government.

stated: And provided further, That if there be no widow, child, or previously designated dependent relative, the Secretary of the Army shall cause the amount herein provided to be paid to any grandchild, parent, brother or sister, or grandparent shown to have been dependent upon such officer or enlisted man prior to his death, and the determination of such fact by the Secretary of the Army shall be final and conclusive upon the accounting officers of the Government:  
(10 U.S.C. 903)

In addition, these benefits were extended to cover those in the military service other than the Regular establishment (10 U.S.C. 456). Attention is also invited to H.R. 7089, which has passed the House and is pending in the Senate, which provides in part that:

Section 301. (a) . . . the Secretary concerned shall have a death gratuity paid immediately upon official notification of the death of a member of a uniformed service under his jurisdiction who dies while on active duty, active duty for training, or inactive duty training.

(b) The death gratuity shall equal six months' basic pay (plus special and incentive pays) at the rate to which the deceased member of a uniformed service was entitled on the date of his death, but shall not be less than \$800 nor more than \$3,000.

PROPOSED AMENDMENT

EXISTING LAW

Section 11. Section 6(f)(1) of such Act is amended by striking out "fifteen" and inserting in lieu thereof the following: "\_\_\_\_\_".

Section 6(f)(1). Notwithstanding section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U.S.C.A. 62), or any other law prohibiting the employment of any retired commissioned or warrant officer of the armed services, the Agency is hereby authorized to employ and to pay the compensation of not more than ~~fifteen~~ retired officers or warrant officers of the armed services while performing service for the Agency, but while so serving such retired officer or warrant officer will be entitled to receive only the compensation of his position with the Agency, or his retired pay, whichever he may elect. (CIA Act of 1949 as amended.)

PROPOSED AMENDMENT

Section 12. Section 6 of such Act is amended by the insertion of a semicolon in lieu of the period at the end of subsection "(f)" and by the addition of a new subsection "(g)" which shall read as follows:

"(g) Make payments without regard to section 3648 of the Revised Statutes (31 U.S.C. 529), when made --

(1) in compliance with the laws of foreign countries or their ministerial regulations, and

(2) for rent in such countries for such period as may be necessary to accord with local custom."

EXISTING LAW

Revised Statutes Section 3648. No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

(31 U.S.C. 529)

(Department of Defense Appropriation Act, Fiscal Year 1956, P. L. 157 - 84th Congress.)

Section 602. Hereafter, section 3648, Revised Statutes, shall not apply in the case of payments made from appropriations to the

PROPOSED AMENDMENT

EXISTING LAW

Department of Defense, (1) to payments made in compliance with the laws of foreign countries or their ministerial regulations, (2) to payments for rent in such countries for such periods as may be necessary to accord with local custom, or (3) to payments made for tuition.

Section 13. Section 10(a)(1) of such Act is amended by inserting "Chapter 171 of" immediately before "28 U. S. C. ".

Section 10. (a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including --

(1) ..... Payment of claims pursuant to Chapter 171 of  
28 U. S. C. ; .....  
(CIA Act of 1949, with proposed amendment underlined.)

PROPOSED AMENDMENT

Section 14. Section 102(a) of the National Security Act of 1947, as amended, is amended by renumbering said section as "Section 102(a)(1)" and by the addition of a subsection "(2)" which shall read as follows:

(2) (A) The Director of Central Intelligence is authorized to appoint not to exceed six Deputy Directors of the Central Intelligence Agency. Each such Deputy Director shall perform such functions as the Director of Central Intelligence may from time to time prescribe, and each shall receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments.

(B) One of the Deputy Directors of the Central Intelligence Agency authorized to be appointed under subsection (2)(A) of this section shall serve as the General Counsel of the Central Intelligence Agency and shall be the chief legal officer of the Agency.

(C) If a commissioned officer of the armed services is appointed to a position authorized by subsection (2)(A) of this section, the provisions of Section 102(b) of the National Security Act of 1947, as amended, shall apply to such officer.

EXISTING LAW

(Atomic Energy Act of 1954)

Section 25. DIVISIONS AND OFFICES. -- There is hereby established within the Commission --

"a. a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities, including a division or divisions the primary responsibilities of which include the development and application of civilian uses of atomic energy. Each such division shall be under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Director of the Division of Military Application shall be an active member of the Armed Forces. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine;

"b. an Office of the General Counsel under the direction of the General Counsel who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum; and

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EXISTING LAW

"c. an Inspection Division under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Inspection Division shall be responsible for gathering information to show whether or not the contractors, licensees, and officers and employees of the Commission are complying with the provisions of this Act (except those provisions for which the Federal Bureau of Investigation is responsible) and the appropriate rules and regulations of the Commission."

(P. L. 250, 84th Congress)

Section 2. The Counselor of the Department of State and the Legal Adviser . . . , shall rank equally with and shall receive the same salary as the Assistant Secretaries of State.

(Reorganization Plan No. 6 of 1953)

Section 3. Assistant Secretaries of Defense. -- Six additional Assistant Secretaries of Defense may be appointed from civilian life by the President, by and with the advice and consent of the Senate.

PROPOSED AMENDMENT

EXISTING LAW

Each such Assistant Secretary shall perform such functions as the Secretary of Defense may from time to time prescribe and each shall receive compensation at the rate prescribed by law for assistant secretaries of executive departments.

Section 4. General Counsel . . . . a General Counsel of the Department of Defense, who shall be the chief legal officer of the Department, and who shall perform such functions as the Secretary of Defense may from time to time prescribe. He shall receive compensation at the rate prescribed by law for assistant secretaries of executive departments.